

Mr. CHAFEE. Well, it is a complicated way of proceeding, but it is my understanding that this would actually kill the IRS reform.

Mr. ROCKEFELLER. This Senator believes that is incorrect. It would simply be the reestablishment of the conference committee, which could then clear up this matter which the Senator from Washington is trying to clear up.

Mr. DOMENICI. Mr. President, would the Senator yield for 1 minute?

Mr. CHAFEE. Sure.

Mr. DOMENICI. Let me make a point to the Senate. If you do not table this, and you accept the proposal of the distinguished Senator from Washington, you have done two things—both of which are probably very, very bad for our country: One, you will kill this bill; secondly, you will dramatically cut veterans' benefits beyond anything anybody intended. Because to eliminate these technical corrections, you leave in place a law that is signed. The highway bill is signed into law, and it has a mistake in it. And the mistake dramatically cuts veterans' benefits beyond what was intended.

So it may not be the intention of the sponsors, but you will accomplish two things, and I just stated them. And I believe that is the case.

I yield the floor.

Mr. ROCKEFELLER. Would the Senator yield—

Mr. CHAFEE. No. I would like to press forward with the—

Mr. ROCKEFELLER. Simply because it is this Senator's judgment that what the Senator from New Mexico has said is in two respects incorrect. This Senator would like to simply give his opinion, and that would be that, No. 1, the ISTEA bill would in no way be affected. That is signed. It would in no way be affected. Second, the IRS bill would in no way be affected at all. It is simply a matter that the conferees—again, new conferees—would come back, not debating the IRS bill, but simply clearing up this matter which is of extreme importance to this country's moral obligations to veterans.

Mr. CHAFEE. Mr. President, at this time I move to table Senator MURRAY's appeal of the ruling of the Chair. And I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the appeal of the ruling of the Chair. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mrs. HUTCHISON) and the Senator from Arizona (Mr. KYL) are necessarily absent.

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—50

Abraham	Frist	Moynihan
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Baucus	Grams	Roberts
Bennett	Grassley	Roth
Brownback	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Chafee	Helms	Smith (NH)
Coats	Hutchinson	Smith (OR)
Cochran	Inhofe	Snowe
Coverdell	Jeffords	Stevens
Craig	Kempthorne	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Enzi	Mack	Warner
Faircloth	McConnell	

NAYS—48

Akaka	Durbin	Leahy
Biden	Feingold	Levin
Bingaman	Feinstein	Lieberman
Bond	Ford	McCain
Boxer	Glenn	Mikulski
Breaux	Graham	Moseley-Braun
Bryan	Harkin	Murray
Bumpers	Hollings	Reed
Byrd	Inouye	Reid
Cleland	Johnson	Robb
Collins	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
D'Amato	Kerry	Specter
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden

NOT VOTING—2

Hutchison	Kyl
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The motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY addressed the Chair. The PRESIDING OFFICER (Mr. HAGEL). The Senator from Iowa.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

A HISTORICAL TREATISE ON THE FALSE CLAIMS ACT

Mr. GRASSLEY. Mr. President, I rise today to speak about an important issue for the taxpayers of this country. My purpose today is to:

First, inform my colleagues;

Second, alert future Members of this body; and

Third, create a historical public record so that future Congresses will not repeat the mistakes of the past. The issue is the integrity of the government's present and future efforts to stop widespread fraud, waste and abuse against taxpayer funded programs.

The government's strongest and most effective tool against fraud is the False

Claims Act. In recent years, the False Claims Act has been under attack from industries targeted by the government's anti-fraud efforts. Since 1986, when Congress passed amendments that I sponsored to toughen the law, more than \$4 billion has been recovered through the False Claims Act. Hundreds of billions more in fraud have been saved through the deterrent effect that this law has upon those who would betray the public's interest.

In addition to the recovery of money and the deterrent effect of this law, the False Claims Act is important for another, perhaps, more important reason. The fact is that the False Claims Act is being used, day after day, by prosecutors to maintain the integrity of countless federal programs funded by American taxpayers. For example, the False Claims Act is being used in the health care industry to ensure that nursing home residents receive quality care—like enough food.

Nonetheless, this Congress just witnessed an unconscionable assault on the False Claims Act. The law has thus far escaped unharmed. But, there is a "clear and present danger" lurking in the shadows. It is for this reason that I speak today, Mr. President—to chronicle the events that occurred over the past seven or so months.

The perpetrator of this assault on the False Claims Act was the American Hospital Association (AHA). The AHA used its notable clout to systematically and cleverly orchestrate a major grassroots campaign to "gut" the False Claims Act. In the final analysis, its effort fell apart because the approach taken by the AHA lacked an essential ingredient—"credibility." You see, the AHA appealed to a great many legislators by using horror stories from hospitals in their respective states and districts. But the horror stories, in the end, had no bearing on what the AHA peddled as the solution—gutting the False Claims Act.

The correct solution was not to change the law—indeed there was, and is, no problem with the language of the False Claims Act. Rather, the solution was to correct a number of missteps made by the Department of Justice in implementing the law through its national initiatives. The AHA was abundantly aware of this fact. But AHA chose instead to pursue a strategy of bait and switch. The AHA allegedly backed a bill to gut the law simply to strong arm the Justice Department into changing how the False Claims Act was implemented. The strategy succeeded. Unfortunately, it comes at the expense of a serious loss of credibility, in my eyes, for the AHA.

Before describing the events of the past months, some historical context is in order. The False Claims Act was fathered by President Abraham Lincoln. Lincoln had become frustrated by the widespread fraud against the Union Army by defense contracts during the Civil War. Contractors would sell the same horses twice to the Army; they